THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.19429 of 2003

Between:

1. Hill View Doctors Colony Residential Association,
Seethammadhara, Visakhapatnam and another

….. PETITIONERS

AND

1. Government of Andhra Pradesh rep., by its Secretary,
Municipal Administration, Hyderabad

and another

.....RESPONDENTS

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THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.19429 of 2003

ORDER:

Hill View Doctors Colony Residential Association and Pitapur Colony Association are the petitioners. Based on a News item in 'The Hindu' dated 27.8.2003 to the effect that Visakhapatnam Municipal Corporation (VMC) decided to levy Under Ground Drainage (UGD) charges and also to issue notices under Section 487 of Hyderabad Municipal Corporations Act, 1955 (HMC Act), the present writ petition is filed. It is alleged that the Municipality threatened to disconnect water supply if the UGD charges are not paid by the residents. It is, however, admitted that even before VMC initiated any action, the present writ petition is filed.

After hearing the learned Counsel for petitioner, Sri P.V.R. Sarma, and the learned Standing Counsel for VMC, Sri N.Ranga Reddy, this Court is of considered opinion that the writ petition cannot be entertained for two reasons. First, no aggrieved person filed the writ petition and a writ petition filed by the Union or Association in a case of this nature cannot be entertained. The levy by the Corporation, if it is done, is individual levy depending on the plinth/floor area of the building and other factors and only when a person, who is asked to pay the amount, can avail the remedy. Secondly, in the counter affidavit filed by the Commissioner of VMC, it is stated that the Corporation never threatened any person with disconnection of water supply. It is also mentioned in the counter affidavit that as per the norms approved by the Council of VMC, it was decided to levy sewerage connection charges of Rs.3,000/- for a residential building with floor area of 600 Sq.ft. and Rs.1,000/- for every additional 200 Sq.ft. whereas for commercial complexes it is for Rs.4,000/- for a building with floor area of 400 Sq.ft. and Rs.2,000/- for every additional 200 Sq.ft. The said charges, in the opinion of this Court, are not excessive and there is an element of *quid pro quo* in such levy.

The writ petition, for the above reasons, is dismissed. No costs.

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November 16, 2005. (**V.V.S.RAO,J**)

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